## NOT FOR PUBLICATION

## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

CLAUDE TOWNSEND, : Civil No. 09-6052 (GEB)

Plaintiff, : OPINION AND ORDER

v. :

NJ TRANSIT, :

Defendant.

This matter having come before the Court upon the Complaint submitted by Plaintiff Claude Townsend ("Plaintiff"), in the above captioned matter, and it appearing that:

- 1. The Clerk will not file the complaint unless the person seeking relief pays the entire applicable filing fee in advance or the person applies for and is granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915. *See* Local Civil R. 5.1(f).
- 2. The filing fee for commencing a civil action in this Court is \$350.00. See 28 U.S.C. § 1914(a).
- 3. Plaintiff did not prepay \$350.00; rather, he submitted his application to proceed in this matter *in forma pauperis*, pursuant to 28 U.S.C. § 1915 ("Application").
- 4. In making such an application, a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty. *United States ex rel. Roberts v. Pennsylvania*, 312 F. Supp. 1, 2 (E.D. Pa. 1969) (finding affiant's application legally insufficient where the application failed to state the facts of affiant's poverty with any degree of particularity, definiteness or certainty) (citing *United States v. Coor*, 213 F. Supp. 955, 956 (D.D.C. 1963), *rev'd*

on other grounds, 325 F.2d 1014 (D.C. Cir. 1963); Jefferson v. United States, 277 F.2d 723, 725 (9th

Cir. 1960)).

5. In his Application, Plaintiff states that he is currently employed at New Jersey Transit but

earns \$0.00 per month; that he was receiving disability payments of \$100.00 per week but no longer

receives these benefits; that he has approximately \$0.00 in cash or in a checking or savings account;

that he and another individual jointly own a home worth approximately \$90,000.00; that he pays

\$362.00 per week in child support for three children; and that he has a number of other debts or

financial obligations, totaling approximately \$17,295.00. Plaintiff signed the bottom of the

application. He also attached an Affidavit, in which he indicates that he is "out of work from a

work-related injury" and is "not receiving any source of money at this time."

IT IS THEREFORE on this 8<sup>th</sup> day of January, 2010,

ORDERED that Plaintiff's application to proceed in forma pauperis is GRANTED; and it

is further

ORDERED that the Clerk shall file the Complaint; and it is further

ORDERED that the Clerk shall serve this Order upon Plaintiff by regular mail; and it is

further

ORDERED that the Clerk issue summons and the United States Marshal serve a copy of the

complaint, summons and this order upon the Defendants as directed by the plaintiff. All costs of

service shall be advanced by the United States.

s/ Garrett E. Brown, Jr. GARRETT E. BROWN, JR., U.S.D.J.